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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,295	10/09/2001	Walter Boerner	213342US0XPCT	4964

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ALEXANDRIA, VA 22314

EXAMINER

LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 09/10/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

926295

Applicant(s)

Boerner et al

Examiner

Lengel

Group Art Unit

1754

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

- ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

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The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riethmann et al. in view of Surovikin et al. Riethmann et al. disclose a process for producing cyanuric chloride, comprising trimerization of cyanogen chloride in the presence of a washed activated carbon having a BET surface area of at least 1000 m<sup>2</sup>/g and an iron content of less than 0.15 weight percent, at a temperature of at least 250°C. (See column 2, line 6 - column 3, line 40.) The difference between the process disclosed by Riethmann et al., and that recited in applicant's claims, is that Riethmann et al. do not specifically disclose that the activated carbon should have an effective pore volume of  $\geq 0.17$  ml/g, obtained from pores having a pore diameter in the range of 0.5 to 7 nm. Surovikin et al. disclose a porous carbonaceous material having a pore volume of 0.2 to 1.7 cm<sup>3</sup>/g with the pore size distribution having a maximum within the range of 40 to 200 Angstroms. (See column 1, line 58 - column 2, line

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37.) It would be prima facie obvious to employ the carbonaceous material of Surovikin et al. as the carbon catalyst in the process of Riethmann et al., since Surovikin et al. suggest at column 3, lines 43-49 that the carbonaceous material would be highly useful as a catalyst due to its effective mass transfer characteristic, which would obviously be a desirable characteristic for the carbon catalyst employed by Riethmann et al. It is noted that Surovikin et al. teach at column 2, lines 4-6 and 26-33 that at least some of the pores should have a size as low as 4 nm.

Durrell et al., Suryanarayana et al. and Tokime et al. are made of record for disclosing methods for producing cyanuric chloride or cyanogen chloride using an activated carbon catalyst.

Stephens, Hirahara et al., Schmitt, Jr. et al. and Voet et al. are made of record for disclosing various types of activated carbon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (703) 308-0248. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can

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be reached on (703) 308-3837. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc

September 8, 2003

*Wayne A. Langel*  
WAYNE A. LANGEL  
PRIMARY EXAMINER